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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/763,994   | 01/23/2004  | Jaime E. Garcia      | JK01244             | 8225             |
| 28268  | 7590        | 08/08/2006           | EXAMINER            |                  |
| THE BLACK & DECKER CORPORATION<br>701 EAST JOPPA ROAD, TW199<br>TOWSON, MD 21286 |             |                      | ALIE, GHASSEM       |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3724                |                  |

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/763,994

Applicant(s)

GARCIA, JAIME E.

Examiner

Ghassem Alie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05/17/06.  
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-15 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 17 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) ☐ Notice of Informal Patent Application (PTO-152)  
 6) ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

Obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patent ability shall not be negative by the manner in which the invention was made.

2. Claim 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gochnauer (5,447,085) in view of Behne et al. (2002/0174755), hereinafter Behne, and Berkeley (4,615,247) and in further view of Sommerville (6,170,370). Regarding claims 1 and 9, Gochnauer teaches a table saw including a support 40 including an aperture for extending a circular saw blade 38 therethrough. Gochnauer also teaches that the support 30 including a workpiece support surface for supporting a workpiece 36 to be cut and an alignment fence 50 adjustably mounted to the table saw. Gochnauer also teaches that the alignment fence 50 being configured for positioning the workpiece 36 to be cut with respect to the circular saw blade 38. Gochnauer also teaches an arbor inherently mounted to the table saw generally opposite the workpiece support surface. Gochnauer also teaches a kerf intrusion device 30 including a body, a guard 37 attached to the body partially covering a periphery of the circular saw blade 38, and a side pressure splitter 20 disposed on the body at least partially positioned in the kerf formed in the workpiece 36 by operation of the circular saw blade the side pressure splitter being directed towards the alignment fence 50. Gochnauer also teaches that the kerf intrusion device side pressure 20 is oriented such that the side pressure moves a portion of the workpiece toward the fence 50. See Figs. 1-4 and col. 3, lines 6-69 in Gochnauer.

Gochnauer does not teach that the arbor is arranged for adjustably supporting the circular saw blade and the kerf intrusion device is coupled to the arbor. However, Behne teaches a table saw 20 including a support 30 including an aperture for extending a circular saw blade 140 therethrough. Behne also teaches an arbor 341 mounted to the table saw generally opposite the workpiece support 31 surface. Behne also teaches a backsplitter 350 coupled to the arbor 341 whereby the back splitter bevels with arbor so that the splitter is disposed in the kerf formed in a workpiece 26. See Figs. 1-4 and 19-21 and pages 3-4, paragraphs, 52-56 in Behne. It would have been obvious to a person of ordinary skill in the art to provide Gochnauer's table saw with the arbor that adjustably support the circular saw and is coupled to the kerf intrusion device, as taught by Behne, in order to adjust the position of the blade relative to the support surface of the table saw.

Gochnauer also does not teach that the kerf intrusion device includes a first anti-kickback pawl coupled to the body. However, Berkeley teaches a kerf intrusion device 20 includes a first anti-kickback pawl 34 coupled to the body of the kerf intrusion device 20. See Fig. 1-5 in Berkeley. It should also be noted that the side pressure splitter device in Gochnauer is located below the first anti-kickback pawl which is located on the upper section of the kerf intrusion device. It would have been obvious to a person of ordinary skill in the art to provide Gochnauer's table saw with the first anti-kickback pawl, as taught by Berkeley, in order to prevent the workpiece from being kicked upwardly or rearwardly back towards the operator.

Gochnauer also does not teach that the side pressure splitter 20 oriented such that the side pressure splitter biases a portion of the workpiece being cut between the kerf intrusion

device and the alignment fence into contact with the alignment fence. However, the use of pressure splitter clip having a biasing means is well known in the art such as taught by Sommerville. Sommerville teaches that the kerf intrusion device side pressure splitter clip 40 is orientated such that the side pressure splitter biases a portion 26b of the workpiece being cut between the kerf intrusion device and the alignment fence into contact with the alignment fence. It should be noted that the side pressure splitter clip 20 in Gochnauer is capable of directing a portion of the workpiece toward an alignment fence. It would have been obvious to a person of ordinary skill in the art to replace the side pressure splitter clip in Gochnauer's table saw with the side pressure splitter, as taught by Sommerville, in order to ensure that the pressure splitter device continuously pushes the portion of the workpiece being cut towards the alignment fence and facilitated the cutting operation.

Regarding claim 2, Behne, as modified above, teaches everything noted above including that the kerf intrusion device 21a is a backsplitter.

Regarding claim 3, Gochnauer, as modified above, teaches everything noted above including that the side pressure splitter 24 is a tab. Gochnauer, as modified above, fails to teach that the tab formed unitarily with the kerf intrusion device. However, the use of a side pressure device that is formed unitarily with a kerf intrusion device is well known in the art such as taught by Thrasher (3,566,934). Thrasher teaches a kerf intrusion device or backsplitter 15 including a side pressure splitter 21 that is a tab that is formed unitarily with the teaches a kerf intrusion device. See Fig. 1 in Thrasher. In addition, it would have been obvious to one having ordinary skill in the art at the time the invention was made to formed the side pressure splitter tab unitarily with the kerf intrusion device, since it has been held

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that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. Howard v. Detroit Stove Works, 150 U.S. 164 (1893).

Regarding claims 4, 6, 10, 11, and 13, Gochnauer, as modified above, teaches everything noted above including that the side pressure splitter 24 is biased by a spring. It should be noted that the side pressure splitter 24 is resilient like spring and also acts like a leaf spring. See Figs. 1-2 in Sommerville.

Regarding claims 5 and 12, Gochnauer, as modified above, teaches everything noted above including that the side pressure splitter 24 includes a trailing edge that engages the workpiece to prevent the workpiece from traveling towards the circular saw blade. Col. 3, lines 15-25 in Sommerville.

Regarding claims 7 and 14, Gochnauer, as modified above, teaches everything noted above including that one anti-kick pawl 34. See Fig. 1 in Berkeley.

Regarding claims 8 and 15, Gochnauer, as modified above, teaches everything noted above including that the table has a pair of opposing rails 35. See Figs. 1-2 in Behne.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Krusemark et al. (4,418,597) and Fisher (615,833) teach a table saw including a kerf

intrusion device or a backsplitter.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

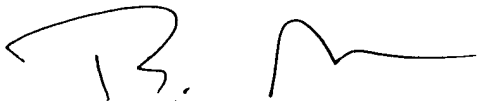
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information

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about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GA/ga

August 3, 2006



**BOYER D. ASHLEY**  
SUPERVISORY PATENT EXAMINER